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COMMITTEE (FOURTH COMMITTEE)
Agenda item 19

IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Report of the Chairman submitted on the basis of consultations on the draft resolution contained in document A/51/23 (Part VI) and the amendments thereto contained in document A/C.4/51/L.11

1. At the 83rd plenary meeting of the General Assembly, on 13 December 1996, it will be recalled that the President of the Assembly made the following statement:

> "I would like to inform the General Assembly that I have been conducting consultations with interested delegations concerning agenda item 19, 'Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples', and in particular the draft resolution concerning the questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands. The Special Political and Decolonization Committee (Fourth Committee) decided on 22 November to defer consideration of the draft resolution until March of next year.
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> "I have been assured by the administering Powers concerned that the reason for their proposal for a deferral of consideration of the draft resolution was to give them and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples more time to continue the informal dialogue initiated and coordinated by the Chairman of the Fourth Committee. The administering Powers have confirmed that it is not their intention that this dialogue should jeopardize the continuation of the work

of the Special Committee relating to the Non-Self-Governing Territories in question and that issues involved would be considered in the context of the informal consultations.

"To those ends, the parties have agreed that their informal discussions will resume at a certain date early in January, to be scheduled by the Chairman of the Fourth Committee, and will continue until 20 March 1997, when the Chairman will report further to the Fourth Committee for action to be taken by the General Assembly at its fifty-first session at the earliest opportunity, in order for the Special Committee to commence its normal session for 1997.

"As a result of those assurances, the Acting Chairman of the Special Committee has informed me that the Special Committee can accept the decision of the Fourth Committee to defer consideration of the draft resolution until March and is ready to continue the informal dialogue under the coordination of the Chairman of the Fourth Committee, with the Special Committee's hope that the administering Powers will cooperate with the Special Committee in discharging its responsibilities mandated by the General Assembly."

2. Accordingly, I have convened four meetings between the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the administering Powers (United Kingdom of Great Britain and Northern Ireland and United States of America) and five meetings between the entire membership of the Special Committee and the administering Powers.

3. As a result of those consultations, the Special Committee and the administering Powers agreed on the amendments set out below to the draft resolution concerning the questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands, contained in chapter X of the report of the Special Committee (A/51/23 (Part VI)), and authorized me to submit them to the Special Political and Decolonization Committee (Fourth Committee). The United Kingdom and the United States also requested me to inform the Fourth Committee that in view of the amendments contained in the present report, they have decided to withdraw their previous amendments contained in document A/C.4/51/L.11.

Draft resolution A - General

1. Seventh preambular paragraph

For the existing text substitute

Acknowledging the significant achievements by the international community towards the eradication of colonialism in accordance with the Declaration and conscious of the importance of continuing effective implementation of the Declaration, taking into account the target set by the United Nations to eradicate colonialism by the year 2000;

Taking note of the positive constitutional developments in some Non-Self-Governing Territories about which the Special Committee has received information, while also recognizing the need for recognition to be given to expressions of self-determination by the peoples of the Territories consistent with practice under the Charter of the United Nations,

2. Eleventh preambular paragraph

For the existing text substitute

Welcoming the stated position of the Government of the United States of America that it supports fully the principles of decolonization and takes seriously its obligations under the Charter to promote to the utmost the well-being of the inhabitants of the Territories under United States administration,

3. Nineteenth preambular paragraph

For the existing text substitute

Taking note of the fact that the Special Committee held at Port Moresby, from 12 to 14 June 1996, a Pacific regional seminar to review the situation in the Non-Self-Governing Territories, particularly their political evolution towards self-determination by the year 2000,

Mindful that in order for the Special Committee to enhance its understanding of the political status of the peoples of the Territories, and to fulfil its mandate effectively, it is important for the Committee to be apprised by the administering Powers, and to receive information from other appropriate sources, concerning the wishes and aspirations of the peoples of the Territories,

Mindful also that in this connection the Special Committee regards the holding of seminars in the Caribbean and Pacific regions and at United Nations Headquarters and other venues, with the active participation of representatives of the Non-Self-Governing Territories, as a helpful means to fulfil its mandate, while recognizing the need for reviewing the role of these seminars in the context of a United Nations programme for ascertaining the political status of the Territories,

4. Operative paragraph 1

For the existing text substitute

1. Approves chapter X of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, Tokelau, the Turks and Caicos Islands and the

United States Virgin Islands, hereinafter "the Territories",[1] and takes note of the recommendations contained therein subject to the changes introduced by the present resolution;

5. Operative paragraph 3

For the existing text substitute

3. Reaffirms also that it is ultimately for the peoples of the Territories themselves to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Powers, in cooperation with the territorial Governments, to facilitate programmes of political education in the Territories in order to foster an awareness among the people of their right to self-determination in conformity with legitimate political status options, including those defined in resolution 1541 (XV);

6. Operative paragraph 4

For the existing text substitute

4. Requests the administering Powers to transmit to the Secretary-General information called for under Article 73 e of the Charter and other information and reports, including reports on the wishes and aspirations of the peoples of the Territories regarding their future political status as expressed in fair and free referendums and other forms of popular consultation, as well as the results of any informed and democratic processes consistent with practice under the Charter which indicate the clear and freely expressed wish of the people to change the existing status of the Territories;

7. Operative paragraph 5

For the existing text substitute

5. Stresses the importance for the Special Committee to be apprised of the views and wishes of the peoples of the Territories and to enhance its understanding of their conditions;

8. Operative paragraph 6

For the existing text substitute

6. Reaffirms that United Nations visiting missions to the Territories at an appropriate time and in consultation with the administering Power are an effective means of ascertaining the situation in the Territories, and requests the administering Powers and the elected representatives of the peoples of the Territories to assist the Special Committee in this regard;

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[1] A/51/23 (Part VI).

9. Operative paragraph 10

For the existing text substitute

10. Stresses that eradication of colonialism by the year 2000 requires the full and constructive cooperation of all parties concerned;

10 bis. Takes note of the particular circumstances which prevail in the Territories concerned, and encourages the political evolution in them towards self-determination;

10. Operative paragraph 13

For the existing text substitute

13. Requests the Special Committee to continue the examination of the question of the small Territories and to recommend to the General Assembly appropriate ways to assist the peoples of the Territories to exercise their right to self-determination, and to report thereon to the Assembly at its fifty-second session.

Draft resolution B - Individual Territories

Draft resolution B.II - Anguilla

1. Delete the second preambular paragraph

2. Second preambular paragraph (former third)

For the existing text substitute

Noting that information considered by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples was made available from published sources,

Draft resolution B.III - Bermuda

Delete the fifth preambular paragraph

Draft resolution B.V - Cayman Islands

Delete the second preambular paragraph

Draft resolution B.VI - Guam

1. Second preambular paragraph

For the existing text substitute

Recalling that, in a referendum held in 1987, the people of Guam endorsed a draft Guam Commonwealth Act that would establish a new framework for relations between the Territory and the administering Power, providing for internal self-government for Guam and recognition of the right of the people of Guam to self-determination for the Territory,

2. Third preambular paragraph

For the existing text substitute

Recalling also the requests by the elected representatives and non-governmental organizations of the Territory that Guam not be removed from the list of the Non-Self-Governing Territories with which the Special Committee is concerned pending the expression of the will of the Chamorro people and taking into account their legitimate rights and interests,

3. Operative paragraph 1

For the existing text substitute

1. Calls upon the administering Power to take into consideration the expressed will of the Chamorro people as endorsed by the people of Guam, encourages the administering Power and the territorial Government of Guam to continue the negotiations on this matter, and requests the administering Power to inform the Secretary-General of progress to this end;

4. Operative paragraph 3

For the existing text substitute

3. Also requests the administering Power, in cooperation with the territorial Government, to continue the orderly transfer of land to the people of the Territory and to take the necessary steps to safeguard their property rights;

5. Operative paragraph 4

For the existing text substitute

4. Further requests the administering Power to continue to recognize and respect the political rights and the cultural and ethnic identity of the people of Guam, including the Chamorro people, and to take all necessary measures to respond to the concerns of the territorial Government with regard to the immigration issue;

6. Operative paragraph 5

For the existing text substitute

5. Requests the administering Power to cooperate in establishing programmes specifically intended to promote the sustainable development of economic activities and enterprises by the people of Guam, including the Chamorro people;

Draft resolution B.IX - St. Helena

Operative paragraph 1

For the existing text substitute

1. Notes that the administering Power has noted various statements made by members of the Legislative Council of St. Helena about the Constitution and is prepared to discuss these further with the people of St. Helena, and also notes that the Commonwealth Parliamentary Association recently sent a delegation to study the Constitution and its application with the Legislative Council;

* * *

4. I therefore recommend to the Special Political and Decolonization Committee (Fourth Committee) the adoption of the draft resolution contained in A/51/23 (Part VI), as amended above.